3 FAM 2360
TELEWORK

(CT:PER-640; 06-07-2011)
(Office of Origin: HR/ER/WLD)

3 FAM 2361 GENERAL INFORMATION

3 FAM 2361.1 Purpose

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. Telework in the Federal Government started as a pilot program in 1990. The President's Council on Management Improvement (PCMI), in cooperation with the Office of Personnel Management (OPM) and the General Services Administration (GSA), established the Federal Flexible Workplace Pilot Project (Flexiplace).

b. The nationwide program was established to improve the Federal Government's ability to recruit and retain capable employees by increasing their flexibility to balance work and family priorities, decrease commuting time, traffic congestion, and energy consumption. The telework movement is facilitated by innovations in human resources management, changes in the nature of work, advances in new technology, and requirements for contingency planning.

3 FAM 2361.2 Authority

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

Authorities include:

(1) Presidential memoranda to agency heads on July 11, 1994, and June 21, 1996;

(2) An Office of Personnel Management (OPM) memorandum to agency personnel directors on October 21, 1993;

(3) The National Telecommuting Action Plan adopted by the President's Management Council on January 5, 1996;

(4) Section 359 of Public Law 106-346, October 23, 2000;

(5) Division B of Public Law 108-447, December 8, 2004;

(6) The Telework Enhancement Act of 2010 signed by the President on December 9, 2010;

(7) 5 CFR 531.605; and

(8) Information on telework law found on the shared OPM and General Services Web site. See the telework legislation listing.

3 FAM 2361.3 Applicability

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. This subchapter applies to:

(1) Civil Service and Foreign Service employees who are on assignment in the United States and who are performing at the fully satisfactory level, and are encumbering a position with duties eligible for telework; and

(2) U.S direct-hire employees assigned abroad on a case-by-case basis, at the discretion of management.

b. For information regarding telework arrangements for employees abroad, refer to 3 FAM 2362.3.

c. Telework arrangements, as accommodation for a disability must be approved by the Disability Reasonable Accommodation Division in the Bureau of Human Resources, Office of Employee Relations (HR/ER/DRAD), in accordance with the provisions of the Rehabilitation Act of 1973, the Americans with Disabilities Act Amendments Act of 2008, and implementing EEOC regulations at 29 CFR 1630.

3 FAM 2361.4 Definitions

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

Alternate work site: A designated location, other than the official work site, where employees perform work assignments such as the employee's home or an official telework center.

Core telework: The employee teleworks on a regularly scheduled basis, at least 1 day a week, but perhaps more frequently.

FOB: A small security hardware device with built-in authentication or subsequent generation technology, that allows an employee secure access to the employee's network shares and Open Net Everywhere (ONE).

Global OpenNet (GO): The next generation OpenNet Everywhere (ONE) system that provides subscriber access to Department of State unclassified email, documents, and applications while away from the office or teleworking.

Official work site: The official work site is the regular work site for the employee's position of record provided the employee is scheduled to work at least twice each biweekly pay period on a regular and recurring basis at the regular work site. For an employee whose work location varies on a recurring basis, the employee need not work at least twice each biweekly pay period at the regular official work site (where the employee's work activities are based) as long as the employee is performing work regularly within the locality pay area for that work site. The official work site for an employee covered by a telework agreement who is not regularly scheduled to report at least twice each biweekly pay period to the official work site is the location of the telework site (e.g., the location of his or her home, telework center, or other alternate work site from which the employee works) except in temporary situations (e.g., extended official travel or recovery from an injury or medical condition).

Situational telework: The employee teleworks on an irregular basis, generally recommended 1 day a month or the average of 12 days per year. Other situations may develop that makes it beneficial for the employee and supervisor to agree on a situational telework opportunity. This type of telework also is a component for continuity of operations (COOP).

Telecenters: Alternative work sites in facilities to provide space for employees to work nearer to their home instead of at their traditional office. Renting telecenter space will be subject to availability of funds. Telecenters are equipped with printers, copiers, fax machines, telephones, video conferencing, and other office essentials. Telecenters also have technical support staff, if needed. For Washington, DC

metropolitan area telecenters, see 3 FAH-1 Exhibit H-2361.1, Telecenters.

Telework: The term 'telework' or 'teleworking' refers to a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved work site other than the location from which the employee would otherwise work.

Telework agreement: A mandatory document that outlines the terms and conditions of the telework arrangement, which are agreed upon between the supervisor and the employee.

Unscheduled telework: Telework on an unscheduled basis in response to snow or other unexpected emergencies and in accordance with OPM notifications and guidance. Unscheduled telework may be performed when an unscheduled telework announcement is issued, irrespective of whether the employee was scheduled to telework.

3 FAM 2362 DEPARTMENT POLICY

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. The Department supports the broadest use of telework consistent with the needs of the Department by eligible agency employees to include supervisors, managers, and executive leadership. When properly implemented, telework benefits both the employee and the Department by increasing work/life effectiveness.

b. Maintaining a viable telework-ready workforce requires practice and the regularly testing of equipment and procedures throughout the year to ensure that teleworkers will be effective and efficient while performing duties at an alternate work site when required.

c. The Telework Program is managed by the Office of Employee Relations, Work Life Division, in the Bureau of Human Resources (HR/ER/WLD).

d. Each bureau may develop a telework policy to address unique internal concerns and processes. The individual bureau policy must be no more restrictive than the overall Department policy and use the same terms and definitions.

3 FAM 2362.1 General Provisions

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. The programmatic requirements of the office must be a major factor in approving telework arrangements.

b. Participation in the Telework Program is voluntary.

c. Telework is not an entitlement, nor does it create any right or benefit, substantive or procedural, enforceable by a party against management.

d. Telework agreements outlining the specific work arrangement agreed to must be established between the employee and supervisor.

e. The telework agreement should be revisited by the manager and teleworker, at a minimum on a yearly basis or if there is a material change in work circumstances (i.e., promotion, new supervisor) to ensure that it is meeting the business needs of the office.

f. Telework arrangements may take many forms, such as one or more scheduled/recurring days of the week, a few times a month or on an irregular basis. Full-time telework can be arranged when appropriate.

g. An employee’s full-time or part-time work status does not impact telework eligibility.

h. Methods must be in place to maintain open communication between co-workers and teleworkers.

i. Telework arrangements must be based on the employee's work performance and position duties, not on other personal circumstances.

j. Telework is not an alternative for child, elder, or dependent care. Employees must not use duty time for any purpose other than official duties and must make other arrangements for such care.

k. The alternate work site must be a safe and adequate place to work. Teleworkers must provide sufficient security to protect any U.S. Government-owned equipment, such as computers, fax machines, and copy machines, which may be loaned to them.

l. Teleworkers and nonteleworkers must be treated the same for purposes of periodic appraisals of job performance, training, rewarding, reassigning, promoting, reducing in grade, work requirements, removing employees, and other acts involving managerial discretion.

m. A supervisor may cancel or adjust the telework arrangement by providing written justification to the employee based on eligibility criteria listed at 3 FAM 2362.2 at any time with prior notification of at least 10 workdays.

n. An employee may cancel the telework agreement at any time with prior notification of at least 10 workdays. An employee may request an adjustment of their telework arrangement by providing a written justification to their supervisor for consideration.

o. A supervisor may require the presence of an employee in the office on a day normally scheduled for telework. Normally, an employee is notified of such a change in advance, but sometimes advance notice is not feasible. Teleworkers are subject to workplace requirements, e.g., random drug testing, and must report to the regular duty station when requested. As a general rule, transportation costs from the alternative work site to the official work site on a day usually scheduled for telework will not be reimbursed by the U.S. Government.

p. Care and judgment must be exercised with regard to records and information that are Sensitive But Unclassified (SBU) and/or subject to the Privacy Act. Offices allowing employees access to these records offsite must ensure that appropriate administrative, technical, and physical safeguards are maintained to protect the confidentiality and integrity of records (see 12 FAM 540.)

q. All work-related files, records, or papers produced while teleworking are the property of the U.S. Government and are subject to all applicable laws and regulations governing the use, maintenance, access, and destruction of such files, records, and papers.

3 FAM 2362.2 Eligibility

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. Domestic telework eligibility is based upon, among other factors, the position that the employee encumbers, as well as the employee's performance and conduct. Management has the discretion to designate an employee as ineligible for telework or revoke or modify a telework arrangement for, but not limited to, any of the criteria listed in paragraph c of this section.

b. Generally, Foreign Service employees assigned abroad are not eligible to telework given the nature of diplomacy and work abroad. However, under special circumstances, telework arrangements may be allowed (see

3 FAM 2362.3).

c. Criteria:

(1) Position: Positions are generally eligible for telework unless they:

(a) Require, on a daily basis (i.e., every work day), direct handling of classified national security information; or

(b) Require, on a daily basis (i.e., every work day), on site activity that cannot be handled remotely or at an alternative work site. A position that requires an employee to be on site may include, but is not limited to, face-to-face contact jobs, customer interface positions with the general public or positions that require the employee to have hands-on contact with machinery, equipment (i.e., special protective equipment), or vehicles to successfully fulfill the job/position requirements; and

(2) Employee: Employees are generally eligible for telework unless:

(a) The employee's most recent performance rating of record is below fully successful or the employee otherwise requires close supervision;

(b) The employee has been officially disciplined for being absent without permission for more than 5 days in any calendar year;

(c) The employee is currently on leave restriction;

(d) The employee has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct for Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties, or for misconduct related to the misuse of public office for private gain, misuse of nonpublic information, misuse of U.S. Government property, or misuse of official time; or

(e) The employee's absence from the office has placed an undue burden on office operations.

3 FAM 2362.3 Special Considerations for Telework

Abroad

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

Under special circumstances, telework arrangements may be allowed for employees assigned abroad. Such requests *by* employees abroad must be reviewed carefully given the unique and varied local conditions which exist from post to post, on a case-by-case basis. Security concerns, inviolability (or lack thereof) of the teleworker's personal residence, possessions, and correspondence, the proximity of the personal residence to the mission where the employee is assigned, and the location of the personal residence in the third country and local labor laws may affect the acceptability of certain telework arrangements abroad. All other terms and conditions of the regulations contained herewith apply to teleworkers abroad, with the following additional requirements:

(1) Posts that wish to approve individual telework arrangements must establish a telework policy. The decision to establish a telework policy at post falls under chief-of-mission authority;

(2) The decision whether to notify the host country of a telework arrangement will be made by the mission in view of the factors listed in paragraph b of this section;

(3) Official documents in the employee's residence will be safeguarded and segregated from personal documents and possessions;

(4) Sensitive or classified material is not allowed at the alternate work site or home;

(5) All telework arrangements are subject to National Security Decision Directive (NSDD-38) requirements; *and*

(6) To ensure the highest level of security awareness and conformance to provisions contained in 12 FAM 620, requests by employees posted abroad to telework must be approved by the employee's supervisor and the management officer after consulting with the human resources officer and regional security officer, if necessary. Each mission has the authority to designate the highest approving official required on the agreement, including the chief of mission or designee. Telework arrangements can only be approved when using Department-approved remote access such as the FOB (security hardware device).

3 FAM 2362.4 Factors Precluding Approval of a Nonemergency Telework Arrangement

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

Telework will be denied where an employee's official duties require on a daily basis (every work day) the direct handling of classified national security information determined to be inappropriate for telework by the Secretary; or on-site activity that cannot be handled remotely or at an alternate work site, except in emergency situations as determined by the Secretary. Under no circumstances does this provision excuse those designated as "emergency employees" from reporting to their work site on time unless otherwise directed.

3 FAM 2362.5 Security

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

Employees are not permitted to telework with classified information at the telework site, and **must** comply with current standards for remote operations from private residences. Agency security policies do not change and are enforced at the same rigorous level when employees telework as when they are in the office. Employees who telework from home need to keep U.S. Government property and information safe, secure, and separated from their personal property and information (see 12 FAM 620 and 5 FAM 840).

3 FAM 2362.6 Training

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

Employees eligible to telework must successfully complete the interactive telework training for employees before entering into a telework agreement. Managers who are supervising teleworkers must successfully complete the interactive telework training for managers. Employees with a telework arrangement in effect before the Telework Act was signed on December 9, 2010, are exempt from the training requirement.

3 FAM 2363 THE ROLE OF EMPLOYEES, SUPERVISORS, BUREAU TELEWORK COORDINATORS, AND THE TELEWORK MANAGING OFFICER

3 FAM 2363.1 Employee

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

Before requesting to be considered for telework, employees must evaluate whether they are well-suited for telework, based on the factors set forth in 3 FAM 2362.2. Employees must maintain an acceptable level of performance and meet organizational requirements regarding communication and accessibility. Employees must remain flexible and responsive to the needs of the office.

3 FAM 2363.2 Supervisor

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. A supervisor must be committed to supporting the use of telework to the fullest extent practicable, consistent with the needs of the office.

b. Supervisors must use the same metrics to evaluate the productivity of teleworkers as are used in evaluating a traditional office worker. Periodic status reports may be used within offices to assess work products and productivity.

3 FAM 2363.3 Bureau Telework Coordinator

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. The bureau telework coordinator is the subject-matter expert and the first point of contact for each bureau. The bureau telework coordinator provides guidance and answers questions regarding telework policy, the telework agreement process, and serves as a liaison between the employee, bureau, and the telework managing officer.

b. Bureau telework coordinators maintain and access all telework agreements and bureau reports for their respective bureaus via eTelework.

3 FAM 2363.4 Telework Managing Officer

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. The telework managing officer (TMO) is devoted to policy development and implementation related to the Department's telework program.

b. The TMO is an advisor to agency leadership, and a resource for bureau telework coordinators, managers, and employees. The TMO also serves as the primary agency point of contact for the Office of Personnel Management (OPM) on telework matters.

c. The TMO is responsible for all reporting requirements of the telework program.

3 FAM 2364 TIME AND ATTENDANCE CERTIFICATION

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. A supervisor approves the employee's scheduled hours of duty, and certifies the time and attendance of telework employees in the same manner as for nontelework employees.

b. The General Accountability Office (GAO) requires agencies with employees working at alternate sites to provide reasonable assurance that the employees are working when scheduled. This can be done by determining the work output for the time reported and/or clocking in and out each day via telephone or e-mail.

c. Telework employees remain subject to all applicable laws, regulations, policies, and procedures governing the provision of premium pay to include the existing rules on overtime under 5 U.S.C. 5542 and the Fair Labor Standards Act (FLSA).

3 FAM 2364.1 Salary and Benefits

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

A telework arrangement is not a basis for changing the employee's salary or benefits based on the Civil Service grade or Foreign Service rank of the position. Telework arrangements may have the effect of changing an employee's official work site in accordance with the definitions set forth in 3 FAM 2361.4 and consistent with 5 CFR 531.605. Changes to an employee's official work site may, in turn, affect the employee's salary, benefits, travel entitlements, and standing in the event of a reduction-in-force (RIF).

3 FAM 2364.2 Leave

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

Annual and sick leave must be requested by an employee who teleworks in the same manner as for employees not engaged in telework activities (see 3 FAM 3310 and 3 FAH-1 H-3310, Leave).

3 FAM 2364.3 Alternate Work Schedules

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

Employees who telework maintain hours of duty consistent with their bureau or post policies on flexible or alternate work schedules. Guidance on flexible and compressed work schedules is provided in 3 FAM 2330. Employees should also consult any applicable collective bargaining agreement in place. The practice of telework and alternate work schedules are not necessarily mutually exclusive.

3 FAM 2364.4 Group Dismissal

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. Any requirement that a teleworker continue to work if the agency closes to the public, grants liberal leave, or dismisses employees early on his or

her telework day, should be included in the employee's formal telework agreement. If an employee is approved to telework when there is an unscheduled telework announcement, that should also be included in the employee's formal telework agreement.

b. When a localized emergency (e.g., fire, flood, etc.) specifically affects only the employee's official work site (when not the employee's telework site) and forces the official work site to close when the employee is scheduled to telework, the employee teleworking at the alternate work site will **not** be excused unless he or she cannot perform work without regular contact from the official work site and such regular contact is prevented by the localized emergency.

c. When both the regular office and the alternative workplace are affected by a widespread emergency, (e.g. power failure), the Department will grant the telework employee excused absence identical to that given to employees at the official duty station or regular work site.

d. When an emergency affects only the alternative work site for a major portion of the workday, the employee must consult with his or her supervisor to determine whether to report to the official duty station or request annual leave or leave without pay (LWOP).

3 FAM 2365 EMERGENCY RESPONSE TELEWORK - CONTINUITY OF OPERATIONS (COOP)

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. Telework is an important component to all agency emergency planning. It is the Department's policy to implement remote work arrangements as broadly as possible to take full advantage of the potential of telework for this purpose and to ensure that:

(1) Equipment, technology, and technical support have been tested;

(2) Employees are comfortable with technology and communications methods; and

(3) Managers are comfortable managing a distributed work group.

b. Based on the nature of the emergency, supervisors and managers may

leverage telework to carry out the essential functions of the Department. Supervisors and managers will ensure the designation is documented in the telework agreement.

c. Mission critical team (MCT) members should be equipped with FOBs (security hardware devices) to ensure they can function from any location equipped with INTERNET access.

d. During any period that an executive agency is operating under a continuity-of-operations plan, that plan will supersede any telework policy.

3 FAM 2366 COSTS AND EQUIPMENT

3 FAM 2366.1 Telecenter as the Alternate Work Site

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

Costs associated with renting space, including equipment, utilities, etc., at a U.S.-based telecenter, will be borne by the agency or bureau, provided funds are available.

3 FAM 2366.2 FOBs or Subsequent Generation Technology

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

FOBs (security hardware devices) are billed to a central account for core teleworkers, whereas bureaus are responsible for funding the FOBs of situational teleworkers.

3 FAM 2366.3 Home as the Alternate Work Site

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. Management is not obligated to provide any electronic or communication

equipment to the teleworker. However, the executive director of the bureau may loan available equipment (computer, software, or fax) within the bureau to employees for use at home.

b. The bureau may provide remote access to the Department's system via an FOB (security hardware device) or similar device. The employee must agree to protect and not misuse or abuse any U.S. Government-owned equipment and to use the equipment for official purposes. The bureau will install, service, and maintain any U.S. Government-owned equipment issued to an employee who teleworks. Ownership and control of the equipment, including hardware, software, and data, remain with the U.S. Government. The U.S. Government will not be responsible for any other incidental costs (e.g., utilities) associated with the use of the employee's residence.

c. The employee is responsible for repair and maintenance of any personal equipment used. The bureau or post may agree to provide the employee with all necessary office supplies.

d. An employee should be easily accessible to his or her supervisor and should frequently check voice mail or e-mail while at the alternate work site.

3 FAM 2366.4 Telephone Calls

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. Under 31 U.S.C. 1348, reimbursement of long-distance (domestic and international) telephone expenses are allowed if incurred as a result of official duties. Form SF-1164, Claim for Reimbursement for Expenditures on Official Business, should be completed and approved by the employee's supervisor with a copy of the telephone charges.

b. To the extent possible, teleworkers should make official long-distance calls from the regular work site where less expensive rates apply. This practice will reduce additional costs associated with telework to the Department of State.

3 FAM 2367 WORKERS' COMPENSATION

(CT:PER-640; 06-07-2011)
(State Only)

(Applies to Foreign Service and Civil Service Employees)

a. U.S. Government employees suffering work-related injuries and/or damages at the alternative work site are covered as set forth in the Federal Employees' Compensation Act (FECA) (workers' compensation) and the Military Personnel and Civilian Employees Claims Act (PCA). In cases where FECA or the PCA are not applicable, U.S. Government employees may have a remedy under the Federal Tort Claims Act.

b. A telework agreement and safety checklist must be on file with the employee's bureau. For the safety checklist, see 3 FAH-1 Exhibit H-2361.2(3), Form DS-1963, Home Safety Checklist for Teleworkers. For domestic telework employees, see 3 FAH-1 Exhibit H-2361.2(1), for the Washington, DC Metropolitan Area Telework Agreement. For domestic employees teleworking abroad, see 3 FAH-1 Exhibit H-2361.2(2), Domestic Employee Teleworking Overseas (DETO) Core Telework Agreement. An employee who teleworks is responsible for ensuring that his or her home complies with these health and safety requirements.

c. When injured while working at an alternate site an employee should follow the same procedures as adhered to in the traditional office setting when injured. The injured employee must notify his or her supervisor immediately and complete standard Department of Labor injury forms.

3 FAM 2368 DIRECT-HIRE DOMESTIC EMPLOYEES TELEWORKING OVERSEAS (DETOS), ACCOMPANYING SPOUSES OR DOMESTIC PARTNERS TO FOREIGN POSTS OF ASSIGNMENT

3 FAM 2368.1 Purpose

(CT:PER-640; 06-07-201110)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

The Department's purpose is to establish policy in compliance with OPM regulations governing telework (5 CFR 531.605(d)(2)); standardize teleworking arrangements; bridge the gap between technology and business needs; assist with the challenge of keeping families together; and retain skilled workers. This policy is only applicable to Civil Service and Foreign Service employees accompanying their Foreign Service spouse or domestic

partner (in accordance with 3 FAM 1610), or Civil Service spouse or domestic partner (in accordance with 3 FAM 1610) who is on a limited noncareer appointment (LNA), to a foreign post of assignment.

3 FAM 2368.2 Definitions

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

Domestic employees teleworking overseas (DETOs): The category of U.S. direct-hire employees assigned to domestic State Department positions who telework from an overseas post. This category is separate and apart from a limited noncareer appointment (LNA) and the hard-to-fill program.

Domestic partner: A domestic partner for purposes of this subchapter means a domestic partner as defined in 3 FAM 1610.

Home bureau: The bureau in which the teleworking employee is employed.

Host bureau: The bureau to which the teleworking post belongs.

International Cooperative Administrative Support Services (ICASS) costs: Costs that cannot be directly attributed to an agency are distributed via ICASS as either post-obligated costs or nonpost-obligated costs (refer to 6 FAH-1 H-300, Definitions).

Teleworking post: The post where the employee will be teleworking.

Virtual locality pay: Only applicable to Foreign Service employees. Under this provision, an employee's service overseas will be credited for retirement purposes at the Washington, DC basic pay rate (including locality pay), rather than at the overseas basic pay rate.

3 FAM 2368.3 Eligibility

(CT:PER-625; 02-02-2010)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

Domestic employee teleworking overseas (DETO) arrangements are for specific, clearly defined instances where a Civil Service or Foreign Service employee is accompanying his or her Foreign Service spouse or domestic partner (in accordance with 3 FAM 1610), or Civil Service spouse or

domestic partner (in accordance with 3 FAM 1610) who is on a limited noncareer appointment (LNA), on assignment to an overseas post. Positions that are supervisory in nature are **not** eligible for a DETO arrangement. DETO arrangements are only available to employees with a minimum of 1 year of prior U.S. Government service.

3 FAM 2368.4 Establishing an Overseas Telework Arrangement

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. After a home bureau has identified a Civil Service or a Foreign Service employee it wishes to retain as a domestic employee teleworking overseas (DETO) while accompanying his or her spouse or domestic partner (in accordance with 3 FAM 1610), on the spouse's or domestic partner's tour, a core telework agreement must be drafted by the home bureau.

b. The home bureau will consult with the Office of the Assistant Legal Adviser for Employment Law (L/EMP) and/or the Office of the Assistant Legal Adviser for Diplomatic Law (L/DL) on legal questions arising during the drafting and implementation of the DETO arrangement.

c. The employee's work requirements statement and specific projects must be listed in an attachment to accompany the core telework agreement. For Civil Service employees, this attachment will be a completed Form DS-7644, Civil Service Performance Plan and Appraisal.

d. All overseas telework proposals except for personnel on TDY must be reviewed and approved by the employee's supervisor. Foreign Service employees must have approval from the Director of Career Development and Assignments (HR/CDA).

e. If the teleworking post falls within the home bureau, the executive director of the home bureau, the teleworking post's management officer, and the teleworking post's chief of mission (COM), must approve the arrangement.

f. If the teleworking post is in another bureau, the executive directors of the home and host bureaus must approve the arrangement, along with the management officer and the COM at the teleworking post.

g. The supervisor and the employee should each keep a copy of the

agreement for reference. In addition, a copy should be sent to the Bureau of Human Resources' Office of Employee Relations, Work/Life Division (HR/ER/WLD), and the home bureau's telework coordinator. (A sample DETO agreement can be found in 3 FAH-1 Exhibit H-2361.2(2), Domestic Employee Teleworking Overseas (DETO) Core Telework Agreement. Additionally, the employee must submit a home safety checklist found in 3-FAH-1 Exhibit H-2361.2(3), Form DS-1963, Home Safety Checklist for Teleworkers.

3 FAM 2368.5 Conditions of Telework

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. Employees and supervisors must adhere to the Department's telework guidelines set forth in 3 FAM 2361 through 3 FAM 2366, taking into account the physical distance between the host and home sites.

b. Domestic employees teleworking overseas (DETOs) must receive appropriate annual performance appraisals from their supervisors at the home bureaus in accordance with applicable regulations set forth in 3 FAM 2820 for Civil Service employees and 3 FAM 2810 for Foreign Service employees.

c. A telework arrangement must be reviewed by the employee's home bureau supervisor on a semiannual basis to ensure that it meets the needs of the office and the employee.

3 FAM 2368.6 Termination of a DETO Arrangement

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. A supervisor may cancel or adjust the telework arrangement as it pertains only to the duties being performed by the domestic employee teleworking overseas (DETO) by providing written justification based on the needs of the office at any time with prior notification of at least 2 pay periods.

b. An employee may cancel the telework agreement at any time with prior notification of at least 2 pay periods. An employee may request an adjustment of the employee's telework arrangement by providing a written justification to his or her supervisor for consideration.

c. Nothing in this provision impacts the chief of mission's (COM) authority to determine who may be present at post.

3 FAM 2368.7 The DETO's Official Status Overseas

(CT:PER-625; 02-02-2010)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. The domestic employee teleworking overseas (DETO) will be included on the spouse's or domestic partner's (in accordance with 3 FAM 1610) permanent-change-of-station (PCS) orders, which will authorize U.S. Government-funded travel, unaccompanied air baggage (UAB), and household effects (HHE) shipments equivalent to that normally provided an eligible family member (EFM) spouse or domestic partner.

b. The DETO will be reported to the host government as the spouse or domestic partner of a diplomatic agent or member of the mission's official administrative and technical staff, as appropriate, and will derive all applicable privileges and immunities accordingly.

c. Assuming that the DETO meets the relevant eligibility criteria, the DETO may receive all benefits normally accorded to EFM spouses or domestic partners, except those provided through family member appointment (FMA) or personal service agreement (PSA) employment. This will include, for example, access to the Department's medical program, including evacuation coverage; pouch and mail facilities, including APO/FPO; R&R; home leave; emergency visitation travel (EVT); and community liaison office (CLO) services.

d. The DETO will not be eligible for any such benefits or payments in his or her own right. Any eligibility is derived from the spouse or domestic partner.

3 FAM 2368.8 Chief of Mission Authority

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. Domestic employees teleworking overseas (DETOs) as U.S. Government executive branch employees, are subject to chief-of-mission (COM) authority while teleworking overseas, although the DETO will not be included in post's staffing pattern or considered part of post's regular staffing compliment. The COM has absolute authority over who is

assigned to or resident at post and must be notified and agree to the DETO's employment arrangements prior to the DETO's arrival at post.

b. Normally the DETO must not report on or play any role in policy or administrative issues pertaining to the country or region in which the host bureau or teleworking post is located, but if it is the case that the DETO position does play a role in policy or administrative issues pertaining to the host bureau or teleworking post country or region, such issues must be addressed under National Security Decision Directive-38 procedures.

3 FAM 2368.9 Medical Clearance

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

All domestic employees teleworking overseas (DETOs) must receive a medical examination and be issued a medical clearance appropriate for an eligible family member (EFM), spouse, or dependent or domestic partner for the post at which they will be physically residing pursuant to the telework arrangement, in accordance with 16 FAM 220.

3 FAM 2368.10 Duty Location

(CT:PER-625; 02-02-2010)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. The domestic employee teleworking overseas (DETO's) position remains in Washington, DC (or location of origination) but the duty location code will change to reflect the location where the employee is physically working.

b. This must be documented on an employee's Form SF-50, Notification of Personnel Action (or equivalent form). For guidance on making changes to positions and documenting duty station changes on an individual record, please refer to the Office of Personnel Management's Guide to Processing Personnel Actions.

3 FAM 2368.11 Work Station Arrangements

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

If work station arrangements involve using office space at the embassy or consulate, the arrangements, including extra costs if any, must be established between the home bureau, host bureau, and employee on a case-by-case basis. These arrangements must be defined in the telework agreement to include specific work location (home or diplomatic post), equipment, funding, phone, fax, copier use, etc.

3 FAM 2368.12 International Cooperative Administrative Support Services (ICASS) Costs

(CT:PER-625; 02-02-2010)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

In the event that International Cooperative Administrative Support Services (ICASS) costs are incurred, the home bureau is responsible for funding the support of the teleworker.

3 FAM 2368.13 Pay, Virtual Locality Pay, and Holidays

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. The pay of the domestic employee teleworking overseas (DETO) will be determined from the respective Foreign Service or Civil Service overseas pay scale. Locality pay is **not** applicable to Civil Service employees working overseas, so the base pay scale for Civil Service employees must be used. Foreign Service employees teleworking overseas will be paid based on the overseas Foreign Service pay scale. Consult the Foreign Service pay scale and the Civil Service pay scale.

b. Virtual locality pay is applicable for Foreign Service employees (FS-01 and below) teleworking overseas at a foreign post of assignment and is applicable to retirement only.

c. DETOs are only entitled to U.S. holidays. They will **not** be entitled to premium pay or compensatory time when working on a local holiday.

d. If the alternate work site is the embassy and it is closed due to a local holiday, the employee must work from another work site approved by the supervisor (e.g., employee's home) or use annual leave or previously earned compensatory time.

3 FAM 2368.14 Allowances and Differentials

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

a. Domestic employees teleworking overseas (DETOs) are **not** authorized to receive overseas/foreign allowances in their own right, with the exception of the danger pay allowance and the hardship differential, as described in this section. The sponsoring Foreign Service spouse or domestic partner continues to be eligible for such allowances based on family size.

b. DETOs are eligible to receive danger pay (home bureau-funded) and post hardship differential (centrally funded), if applicable. DETOs are not eligible to receive difficult-to-staff incentive differential. In order to receive danger pay and/or post hardship differential, you must submit a package to Domestic Payroll containing the following:

(1) A completed Form SF-1190, Foreign Allowances Application, Grant and Report. On item 15 in the remarks section, indicate that you are a DETO and the dates that you will be at your overseas duty location. The management officer at post must sign item 25 as the approving/reviewing official and item 26 must be signed by your home bureau;

(2) A memo signed by the executive director of your home bureau, which states that you are a DETO, and the effective date of your overseas duty location. The home bureau will need to provide accounting data in the memo if the teleworker is receiving danger pay; and

(3) A copy of spouse's or domestic partner's travel orders.

3 FAM 2368.15 Periodic Consultations/Training

(CT:PER-625; 02-02-2010)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

It is the responsibility of the home bureau to fund and make appropriate arrangements for the domestic employee teleworking overseas (DETO) if he or she must travel to other posts for the conduct of official duties or must return to the main office for periodic consultations or training.

3 FAM 2368.16 Workers Compensation

(CT:PER-625; 02-02-2010)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

The domestic employee teleworking overseas (DETO) may be eligible, while on duty, for coverage related to on-the-job injury, illness, and death, under the U.S. Department of Labor's Office of Workers' Compensation Programs (OWCP).

3 FAM 2368.17 5/8 Rule and Fair-Share Bidding for Telework Foreign Service Tandems

(CT:PER-640; 06-07-2011)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

If the domestic employee teleworking overseas (DETO) is a member of the Foreign Service, the telework duty station location qualifies for the 5/8 rule and fair-share bidding purposes. For example, if a Foreign Service DETO is assigned to Washington, DC but is teleworking from Ouagadougou, the FSO gets full credit for having served in Ouagadougou when he or she submits his or her next set of bids.

3 FAM 2368.18 Home Leave and Rest and Recuperation Travel (R&R)

(CT:PER-625; 02-02-2010)
(State Only)
(Applies to Foreign Service and Civil Service Employees)

Domestic employees teleworking overseas (DETOs) derive home leave travel and rest and recuperation travel benefits from their spouse or domestic partner in accordance with 3 FAM 1610. Therefore, a DETO occupying a domestic position may not charge the home leave travel to his or her own home leave account. The only leave options available for both home leave and R&R are annual leave and leave without pay. Teleworking employees must coordinate with their home bureau to determine which of these two leave categories should be used.

3 FAM 2369 UNASSIGNED